

REMARKS/ARGUMENTS

Applicant has reviewed and considered the subject office action and the references cited therein. Based on that review and the fact that none of the cited references discloses a product having the same utility and structure as Applicant's invention as set forth below, Applicant has amended independent claim 1 to incorporate and emphasize the distinctions to make claim 1 and the remaining claims dependent thereon allowable.

A review of the Moyer patent, which was cited as the basis for rejecting claims 1, 2, 3, 9, 10, 12 and 13, reveals that Moyer discloses a device for use as a safety apron having a structure that includes a waistband (see Fig. 3) that secures the apron firmly around the torso of an individual.

Contrary to Moyer, Applicant's device discloses a hang line towel used to wipe perspiration resulting from a sports activity which it does not have a waistband or another means of attaching it to a person's torso. Thus, Applicant's device hangs freely, a requirement which is necessary for its intended use as a user must be able to reach under the towel and pull it up to wipe perspiration from the head, neck or other parts of the torso.

Accordingly, claim 1 has been amended to insert that the towel hangs freely.

A review of the Furgang reference, which was used to reject claims 1, 2, 3 and 14, reveals that the Furgang device is a robe to wrap completely around a user. Its structure requires fasteners at the bottom so that it can be wrapped around a user. On the contrary, Applicant's hang line towel hangs freely only in front of the torso and has no fasteners at the bottom.

A review of the Griffin patent, which was cited against claims 1, 2, 3, 13 and 14, reveals that Griffin shows a device used as an infant holding towel having a structure that requires a fastener at the bottom edge to attach it to the top to hold a baby. Again, on the other hand, Applicant's device is used primarily as a perspiration wiping sports towel and requires no fasteners at the bottom edge.

The final reference cited against claims 1, 2, 3, 9, 10 and 13 of Applicant's patent application, that being the Frye patent, also discloses a device having a different use and structure than Applicant's device. Frye discloses a device which is used as a garment protector and has a structure requiring a pouch (34) at the bottom (see Fig. 2) to catch various items falling on the protector. On the other hand, Applicant's device is a hang line towel used primarily to wipe perspiration from an individual and does not have a pouch that is uniformly planar throughout. Accordingly, claim 1 has been amended to insert the words "uniformly planar" to further distinguish it from the Frye device.

In view of the above amendments and remarks, Applicant believes the examiner will now find this patent application in a position for allowance and its expeditious passage to same is requested.

Applicant has enclosed one brochure advertising his product and the product itself which may further assist the examiner when considering this Response and Amendment.

Should the examiner disagree or have any questions, comments or suggestions that will render this application allowable, a call to the undersigned attorney of record is invited.

Respectfully submitted,
Kenneth Robert Mohney, Applicant

By: 
Edward M. Livingston, Esq.
Edward M. Livingston, P.A.
628 Ellen Dr.
P.O. Box 1599
Winter Park, FL 32790
(407) 629-4545

Attorney for Applicant
Reg. No. 28,523

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I HEREBY CERTIFY that the above Response and Amendment is being deposited with the United States Postal Service by first class mail on the 19th day of November, 2003 addressed to Mail Stop No Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Legal Assistant

Enclosure- Brochure showing Applicant's invention
Applicant's Invention (product)